

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0004
(Lease Preparations of 704 Sandpiper)

ZAP DATE: May 2, 2017

ADDRESS: 704 Sandpiper Avenue

DISTRICT AREA: 7

OWNER: Cloud Richards

AGENT: Jennifer Powell

ZONING FROM: LO

TO: GR

AREA: 0.3709 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny GR, Community Commercial Services-Conditional Overlay District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property in question is located at the northeast intersection of Sandpiper Avenue and the Interstate Highway-35 southbound service road. The lot fronts onto Sandpiper Avenue, a local residential street. The site is developed with a single family structure that has been converted to an office use. To the north of the site there is an automotive rentals use (AAA Limousine) that takes access to the IH-35 southbound frontage/service road. To the south, across Sandpiper Avenue, is an undeveloped lot. There are single family residences to the west. The applicant is requesting to rezone the property to the GR, Community Commercial District, to lease the property for commercial, business office or day care use.

The staff's recommendation is to deny the rezoning request as the proposed zoning is not consistent with the purpose statement of the district sought. The site under consideration does not meet the intent of the GR zoning district as it fronts onto a local residential street that is 20 feet wide and cannot take access to the frontage road for Interstate Highway- 35 to the east because of an existing drainage culvert. The current LO zoning is appropriate for this lot as Limited Office district will provide for a transition in the intensity of zoning from the corner of Sandpiper Avenue and IH-35 frontage road to the single family residential uses to the west. The Limited Office district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. The current LO zoning will permit the applicant to utilize the property for a variety of office and civic uses.

This property is located within the North Lamar Area Study, which was completed in May of 1985. The Area Study recommends Office as the future land use designation for this particular tract of land (Please see North Lamar Area Study Recommended Land Use – Attachment A).

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Office (J. Mitchell Builders)
<i>North</i>	GR-CO	Automotive Rentals (AAA Limousine)
<i>South</i>	LO	Undeveloped
<i>East</i>	Interstate Highway-35	Expressway
<i>West</i>	SF-1	Single Family Residences

AREA STUDY: North Lamar Area Study**TIA:** Not required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**SCENIC ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Homeless Neighborhood Organization
 Northeast Walnut Creek Neighborhood Association
 North Growth Corridor Alliance
 Sierra Club, Austin Regional Group
 SELTEXAS
 Walnut Creek Neighborhood Association, Inc.
 Yager Planning Area

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0162 (AAA Limousine: 11902 North I.H.-35 Service Road South Bound)	LO to GR* * Applicant amend their request to GR- CO zoning, limiting the property to Automotive Rentals as the only permitted GR district use and all other LR district uses.	3/02/10: Approved the staff's recommendation of GR-CO zoning, with Automotive Rentals as the only permitted GR district use, allowing all other LR district uses and the following additional conditions: 1) no 24 hours uses permitted on the site, 2) a 25-foot vegetative buffer along the western property line adjacent to the residential neighborhood, 3) The placement of new trees within the 25- foot vegetative buffer as recommended by the City arborist, and 4) the preservation of tree wells on the site by removing pavement or asphalt within the drip line area for the existing trees on the property (with the City arborist is to sign off on the required area for	4/08/10: Approved ZAP rec. of GR-CO zoning (6-0, Cole-off dais), with the following amended conditions agreed to by the applicant: Establish a natural/vegetative buffer with a minimum of eight evergreen or class one or two trees that are utility compatible trees along the western perimeter of the property. Enhance the care and longevity of large oaks. Establish, in the middle of the lot, a natural preserved area that is at least a ten foot radius that will be maintained along the northern and eastern portion from the tree trunks. The natural

		the tree wells). Vote: 7-0; S. Baldrige-1st, P. Seeger-2nd.	<p>buffer shall be extended to the property line on the southern and western portions from the tree trunks. In the situation where a ten foot buffer is allowed to be encroached upon (for example: an area used for sidewalk or parking spaces), no canopy and root zone impacts should be allowed. Encroached upon areas should be limited (through the tree permitting process) in a manner where canopy area is not removed and where any ground disturbance is limited to construction above grade. Staff was directed to include a prohibition on auto washing and auto repair as accessory uses in the final ordinance.</p> <p>5/27/10: Approved GR-CO zoning, with conditions on consent on 2nd/3rd readings (6-0, Spelman-off dais); Morrison-1st, Riley-2nd.</p>
C14-2009-0071 – Arrow A/C	LR to CS	<p>10/20/09: Approved staff's recommendation of CS-CO, making Construction Sales and Services a conditional use, adding no outdoor storage to the proposed public restrictive covenant, permit all other 'LR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day.</p> <p>The public restrictive covenant will state that the applicant will provide signage on the site to prohibit heavy commercial vehicles with a loaded weight limit of 10 tons from entering the site from the Meadowlark Avenue driveway (7-0); G. Bourgeois-1st, P. Seeger-2nd.</p>	<p>11/05/09: Approved ZAP Commission rec. of CS-CO district zoning on 1st reading, with the following additional permitted uses: auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to prohibit drive through service. Council Member Spelman's motion, Mayor Leffingwell's second (5-2, Morrison and Shade-Nay).</p> <p>12/10/09: Approved SC-CO zoning (6-0, M. Martinez-absent); 2nd/3rd readings</p>
C14-2008-0229 – Walnut Forest Motel	GO to GR-CO	1/06/09: ZAP approved GR-CO. The CO prohibits the following uses: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES,	2/12/09: Approved ZAP Commission rec. of GR-CO zoning (7-0); on all 3 readings

		COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF-STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PRIVATE), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT AND SERVICE STATION; LIMITING HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.	
C14-2008-0214 – Tex-Tar	LR to LI-CO (Amended to CS-CO)	1/06/09: Approved staff's rec. to deny LI zoning (6-1, T. Rabago-No); D. Tiemann-1 st , B. Baker-2 nd .	2/12/09: Postponed to February 26, 2009 at the neighborhood's request (7-0) 2/26/09: Approved CS-CO zoning, with Construction Sales and Services as the only permitted CS use and permitting all other LR uses, on 1 st reading only (5-0); S. Cole'-1 st , B. McCracken-2 nd . 3/26/09: Approved CS-CO zoning on 2 nd /3 rd readings (7-0); L. Morrison-1 st , W. Wynn-2 nd .
C14-05-0085 – Powers 20	GO to CS	11/15/05: ZAP approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is prohibited as an accessory use to a commercial use.	11/02/06: CC approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is

			prohibited as an accessory use to a commercial use.
C14-04-0174 – Lyly Fisher's Rezoning	LO to GR	12/07/04: Approved GR-CO, the CO limits the site to Automotive Rentals only and all other LO district uses and 2,000 vtpd (8-0, C. Hammond-ineligible to vote).	<p>1/13/05: Approved GR-CO allowing only the following GR district uses: Automotive Rentals, Business Support Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Personal Improvement Services, Research Services, Restaurant (Limited), Restaurant (General), and a 2,000 vehicle trip limit. (7-0); 1st reading</p> <p>2/17/05: Approved GR-CO zoning with the following conditions: 2,000 vtpd limit, prohibit the following uses: Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Commercial Off-Street Parking, Consumer Repair Services, Exterminating Services, Financial Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Service Station, Theater, Community Recreation (Private), Community Recreation (Public), Congregate Living, Guidance Services, Hospital Services (Limited), Private Secondary Educational Facility, Residential Treatment, Bail Bond Services, Printing and Publishing, College and University Facilities</p>
C14-98-0149 - Lake Marine		10/27/98: Approved staff's rec. of GR-CO, with a CO for 2,000 vtpd and added the following conditions: 1) Prohibit Automotive Rental, Automotive Repair, Automotive Sales, Automotive Washing, Commercial Off-Street Parking, Exterminating	<p>12/03/98: Postponed to 12/10/98 (6-0)</p> <p>12/10/98: Case withdrawn by applicant</p>

		Services, Financial Services, Food Sales, Funeral Services, General Retail Sales-Convenience, Hotel-Motel, Indoor Entertainment, Indoor/Outdoor Sports and Recreation, Medical Offices, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Personal Services, Research Services, Restaurant-Drive In-Fast Food, Restaurant-Limited, Restaurant-General, Service Station, and Theater; 2) Limit the site to LO development standards (6-0, Almanza, Rawlins, Heimsath-absent)	
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RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
IH 35	320 ft.	240 ft. (including frontage roads)	Arterial/Highway	No	Yes (Shared Lane)	No
Sandpiper Avenue	50 ft.	20 ft. (no curb & gutter)	Local	No	No	No

CITY COUNCIL DATE: June 8, 2017

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

SUMMARY STAFF RECOMMENDATION

The staff's recommendation is to deny GR, Community Commercial Services-Conditional Overlay District, zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. The proposed zoning is not consistent with the purpose statement of the district sought.*

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The site under consideration does not meet the intent of the GR zoning district as it fronts onto a local residential street that is 20 feet wide and cannot take access to the frontage road for Interstate Highway- 35 to the east. The existing LO zoning is appropriate for this lot as LO zoning will provide for a transition in the intensity of zoning from the corner of Sandpiper Avenue and IH-35 frontage road to the single family residential uses to the west.

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The existing LO zoning is appropriate for this lot as this property is located at the entrance to a residential neighborhood. The Limited Office district will provide for a transition in the intensity of zoning from the corner of Sandpiper Avenue and IH-35 frontage road to the single family residential uses to the west.

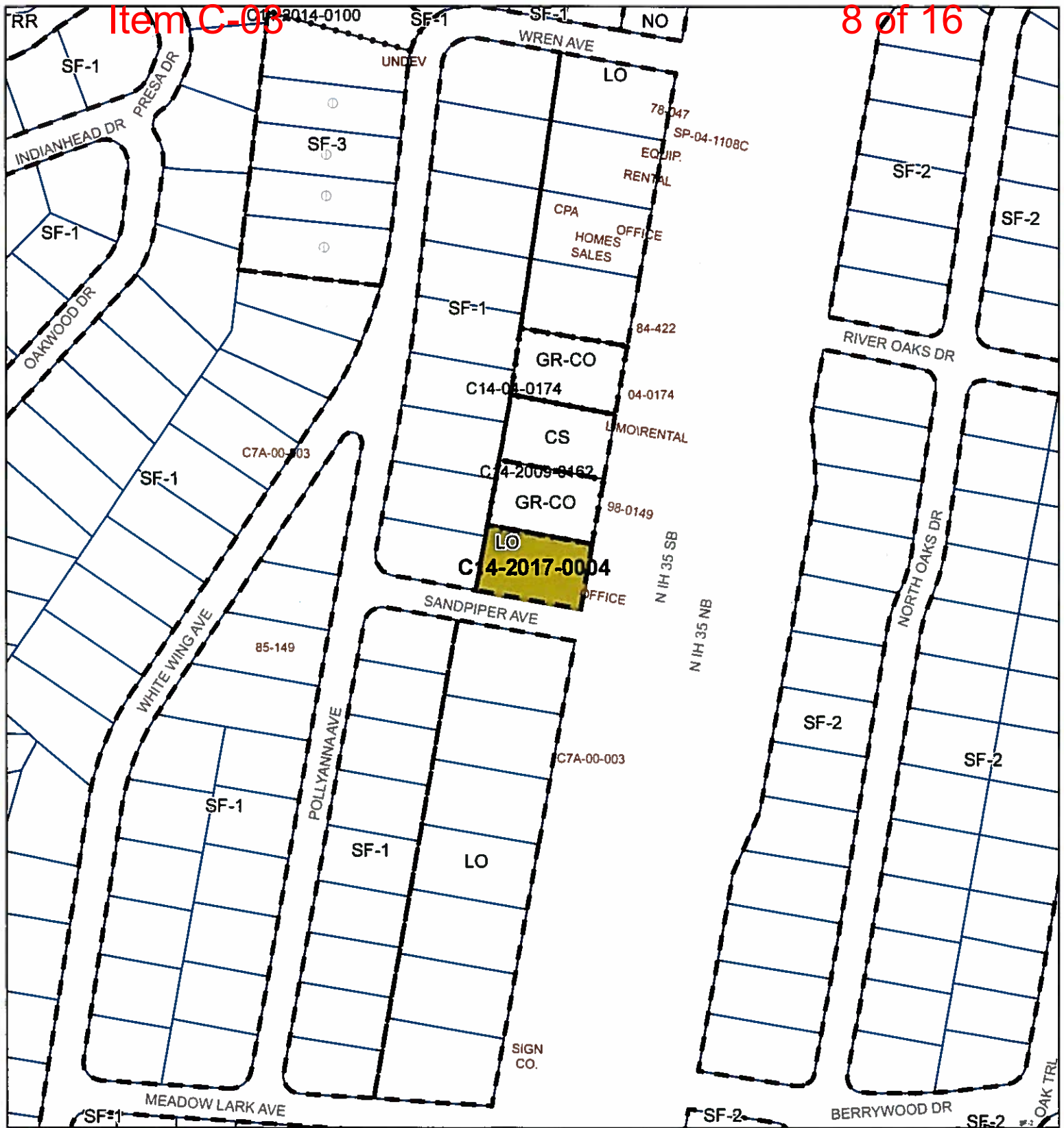
- 2. Granting of the request should result in an equal treatment of similarly situated properties.*

There is Limited Office and Neighborhood Office zoning to the north at the corner of Wren Avenue and the IH-35 frontage road and Limited Office zoning to the south at the corner of Meadow Lark Avenue and the IH-35 frontage road.

This property is located within the North Lamar Area Study, which was completed in May of 1985. The Area Study recommends Office as the future land use designation at this location.

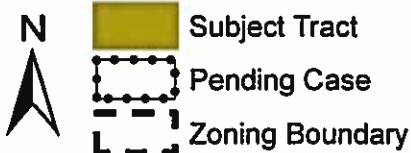
- 3. Zoning should allow for reasonable use of the property.*

The current LO, Limited Office District, zoning will permit the applicant to utilize the property for a variety of office and civic uses.



ZONING

Case#: C14-2017-0004



0 200 Feet

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 1/25/2017



EXISTING CONDITIONS

Site Characteristics

The site under consideration is located at the northeast intersection of Sandpiper Avenue and the Interstate Highway-35 southbound service road. The lot fronts onto Sandpiper Avenue, 20 foot wide a local residential street. The site is developed with a single family structure that has been converted to an office use. To the north of the site there is an automotive rentals use (AAA Limousine) that takes access to the IH-35 southbound frontage/service road. To the south, across Sandpiper Avenue, is an undeveloped lot. There is a single family residential neighborhood to the west.

Comprehensive Planning

This zoning case is located on the northwest corner of Sandpiper Avenue and the IH-35 frontage road, on a property that is approximately 0.37 acres in size, and contains a house being used as an office. This property is also not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a limo service to the north; vacant land to the south; a single family subdivision to the west (which this parcel is part of); and IH-35 to the east. The proposed use is an unspecified commercial use.

Connectivity: There is no CapMetro transit stop or public sidewalks are located in the vicinity. The Walkscore for this site is 23/100, meaning almost all errands are dependent on a car.

Imagine Austin and Conclusions

The following are policies taken from Chapter 4 of the Imagine Austin Comprehensive Plan, which specifically discuss the preservation of neighborhood character:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on a number of existing commercial uses already located along the IH-35 frontage road, and the policies above, this request seems consistent with the Imagine Austin Comprehensive Plan. However, staff recommends that the entrance/exit to this property be only located along the IH-35 frontage road and not on Sandpiper Avenue to reduce commercial traffic going into the adjoining residential neighborhood.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district is 90%. However, because the watershed impervious cover is more restrictive than zoning district's allowable impervious cover, the impervious cover is limited by watershed regulations as shown in the table below.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the western property line, the following standards apply for redevelopment:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

Additional design regulations will be enforced at the time a site plan is submitted

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. The right-of-way dedication may be deferred to the time of subdivision or site plan application, whichever comes first. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

Additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for IH 35.

FYI – Per the LDC and TCM requirements, direct access from IH 35 to this property is prohibited.

FYI – per the TCM requirements, head-in, back out parking is prohibited on streets and alleys in SF-6 and more permissive districts, unless approved by the Transportation reviewer. The parking may need to be revised during the site plan application.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile
Sandpiper Avenue	50 ft.	20 ft. (no curb & gutter)	Local	No	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE

WELLS BRANCH M.U.D. #1

TRAVIS COUNTY
CITY OF AUSTIN

CITY OF AUSTIN
TRAVIS COUNTY

L.B.M.

BURNET

ROAD

PACIFIC

NORTH CENTRAL
M.U.D. #1

KRAMER

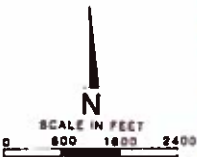
LAKE

CITY OF AUSTIN
TRAVIS COUNTY

Site
under
consideration

LEGEND

- | | |
|--|---|
| OFFICE | SINGLE FAMILY |
| INDUSTRIAL | MULTIFAMILY |
| COMMERCIAL | MIXED USE |
| CIVIC | |



Sirwaitis, Sherri

Subject: FW: Case Number C!\$-2017-0004

From: David Negrete
Sent: Tuesday, February 07, 2017 11:55 AM
To: Sirwaitis, Sherri
Subject: Case Number C!\$-2017-0004

Sherri

We received notice of this zoning change application.

Our Ownership is against granting this zoning change for the following reasons

1. Past determination has already zoned this to LO from Residential
2. There is no justification to grant the higher impervious cover allowance and diminish available landscape/green scape
3. There already exists significant overparking and parking on raw land at the front of this office
4. Granting of this Zoning change request allowing greater impervious cover does nothing to improve the neighborhood

Although this place has been operating under an LO designation, there is no evidence of a proper parking lot or water quality detention filtration

This property should simply comply with LO requirements.

Regards

David Negrete, AIA
NEGRETE & KOLAR
ARCHITECTS, LLP

11720 N IH35
Austin, Texas 78753
(512)474-6526 Ext. 307

Sirwaitis, Sherri

Subject: FW: Request for postponement on C14-2017-0004, 704 Sandpiper

-----Original Message-----

From: Robert Meadows

Sent: Wednesday, April 26, 2017 8:34 AM

To: Sirwaitis, Sherri

Cc: Walnut Creek Board of Directors Listserve

Subject: Request for postponement on C14-2017-0004, 704 Sandpiper

Dear Sherri,

I hope this email finds you well.

Case C14-2017-0004 is scheduled for a hearing for 2 May 2017 before the Zoning and Platting Commission.

The Walnut Creek Neighborhood Association would, at this time, respectfully request a postponement to the next ZAP meeting on 16 May 2017.

The reason for this request is that the Association holds its monthly board meetings on the first Wednesday of each month, at Santorini Cafe, 11800 North Lamar from 6:30 pm to 8:00 pm, or 3 May 2017, i.e., after the ZAP hearing of 2 May 2017.

Neighbors have asked the Board to consider a position on this issue.

704 Sandpiper is within the boundaries of the Association.

Please feel free to contact me at 512 633 1459 for further discussion.

Best regards,

Robert Meadows

President

Walnut Creek Neighborhood Association, 2016-2017

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Robert L. Meadows

dba The R. M. Meadows Company

voice: 512 633 1459

PO BOX 4779, Austin, Texas 78765 USA